

Date: December 13, 2006

Item No.

2

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Kristine Lowe

Public Hearing: Yes: X No:

Notices Mailed On: 12/1/06 Published On: 11/29/06 Posted On: 12/1/06

TITLE: **MINOR TENTATIVE PARCEL MAP NO. MI2006-4**

Proposal: Request for a tentative parcel map to subdivide a 6.51-acre parcel into four parcels. The project consists of three buildings, each treated as a separate parcel with the fourth parcel a common area. Thirteen total units within the three buildings will be leased and no subdivision within the buildings is proposed.

Location: 1221 California Circle

APN: 022-38-018

RECOMMENDATION: **Approve with Conditions**

Applicant: Stonewood Dixon, LLC, 3636 Birch street, Suite 180, Newport Beach, CA 92660

Property Owner: Stonewood Dixon, LLC

Previous Action(s): "S" Zone Approval, PUD-31, "S" Zone Amendment approved 1/21/1988 resulting in a loss of 28 parking spaces to 335-space parking area.

General Plan Designation: Industrial Park

Present Zoning: Industrial Park (MP)

Environmental: Exempt pursuant to Section 15315 of the California Environmental Quality Act (CEQA)

Existing Land Use: Research & Development, Manufacturing, Warehousing, and Distribution

Agenda Sent To: Applicant/Owner

Attachments: Site Plan

PJ: 3210

BACKGROUND

On November 3, 1983, the Planning Commission approved an "S" Zone Application for construction of three industrial buildings (Cadillac-Fairview Business Park). Subsequent "S" Zone approvals include an Amendment approved 1/21/1988 resulting in a loss of 28 parking spaces to 335-space parking area. Additional approvals include "S" Zone Approval amendments for tenant improvements, minor exterior modifications and the replacement of an existing nitrogen tank at 491 Fairview Way (Building 2).

Site Description

The 6.51-acre parcel is bounded by California Circle on the north and Cadillac Court is located west of the project site. Fairview Way curves along the eastern and southern boundary. Currently, the project site is zoned (MP) Industrial Park. The surrounding land uses include light industrial and R&D uses. Twelve new industrial building are currently under construction south of Fairview Way.



THE APPLICATION

The application is submitted pursuant to Chapter XI-1 (Subdivisions), Section 4.00 (Tentative Map) of the Milpitas Municipal Code.

Project Description

The applicant is requesting approval for a tentative parcel map to subdivide a 6.51-acre parcel to create four parcels. The project consists of three buildings: Building 1 is a 0.94-acre parcel (Parcel 1), Building 2 is a 0.72-acre parcel (Parcel 2) and Building 3 is a 0.59-acre parcel (Parcel 3). Parcel 4 encompasses the remainder of the site (4.26 acres) and serves as a common area for

the three parcels. The purpose of the proposed subdivision is to provide businesses the opportunity to own and occupy one building on one parcel or lease space within the buildings. No subdivision within the buildings is proposed.

Conformance with the General Plan

The project conforms to the General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with the following General Plan Implementing Policies.

Implementing Policy 2.a-I-3 Encourage economic pursuits, which will strengthen and promote development through stability and balance.

Implementing Policy 2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.

The proposed project will provide for opportunities to expand employment, promote business retention, and encourage economic pursuits that strengthen and promote development through stability and balance. By subdividing these parcels into separate parcels for each building, the property owner is able to foster individual business ownership.

Conformance with the Zoning Ordinance

The project does not conflict with the Zoning Ordinance and is in conformance in terms of land use and development standards. No change in land use is proposed as part of the tentative parcel map application and any future land uses would be subject to the permitted and conditional uses allowed in the Industrial Park (MP) District.

ISSUES

Parking

Since the construction of the three industrial buildings in 1984, there have been subsequent parking modifications resulting in a reduction from 335 parking spaces to 307 parking spaces. Specific changes include an "S" Zone Amendment granted in January 1988 to construct a new truck loading dock and trash enclosures for Sun Microsystems, resulting in a loss of 28 spaces. Because the building was converted to warehousing and distribution, it utilized a parking ratio of 1 space per 1,500 square feet of gross floor area and therefore 249 spaces were required for the site.

To demonstrate conformance with the City's parking requirement of 326 spaces of this site 19 spaces are still required. Pursuant to Section 53 (Off-Street Parking Regulations) of the Milpitas Municipal Code, industrial districts are allowed to have 40% (or 130 compact parking spaces) of their required and non-required stalls to be designed as compact cars. The site currently has 122 compact spaces. Staff recommends a special condition that shall require the applicant to re-stripe the parking area to provide a total of 326 parking spaces prior to recordation (196 full-size + 130 compact spaces = 326 total parking spaces).

Landscaping

The Public Works Department authorized the removal of two existing protected trees located at 1221 California Circle (adjacent to Building 1). Upon a recent visit to the site, it was seen that three additional trees were removed without authorization from the City. Under Section 9 of the City's Heritage Tree Ordinance, each tree unlawfully removed shall be replaced with one or more trees, as determined by the Public Works Department, that will provide comparable economic, aesthetic or environmental value at the site. Staff recommends a special condition that shall require the applicant replace the three trees unauthorized for removal and that the ratio of trees replaced shall be determined by the Public Works Department.

Conformance with the State Subdivision Map Act and Subdivision Ordinance

The Subdivision Map Act defers the approval of minor tentative parcel map applications to local ordinances (Article 5, Section 66463). The City's Subdivision Ordinance requires design and improvement consistency with the General Plan. As previously mentioned, the proposed Tentative Parcel Maps are in conformance with the General Plan.

Conformance with CEQA

The project is categorically exempt from further environmental review pursuant to Class 15, Section 15315 ("Minor Land Divisions) of the Environmental Quality Act (CEQA) guidelines. This section exempts such projects involving the division of property in urbanized area into four or fewer parcels when the division is in conformance with the General Plan and zoning. As discussed above, the proposed project is located in a developed, urbanized area and conforms to the General Plan and Zoning Ordinance.

Neighborhood / Community Impact

The proposed subdivision is expected to have a positive community impact by promoting business retention and foster individual business ownership. Based on this, staff concludes that this proposal will not have a negative community impact because the project is located within an existing industrial area and a tentative map for 1100 Cadillac Court (located south of the project site on Fairview Way) was approved January 2005.

RECOMMENDATION

Close the public hearing. Approve Minor Tentative Parcel Map No. MI2006-4 based on the findings and special conditions listed below:

FINDINGS

1. The proposed map is consistent with applicable general and specific plans as specified in Section 65451;
2. That the design or improvement of the proposed subdivision is consistent with applicable general plan;
3. That the site is physically suitable for the type of development because it is a level site;

4. That the site is physically suitable for the proposed density of development because it is a level site;
5. That the design of the subdivision or the proposed improvements will not be likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat because the four lots will accommodate the three buildings and common areas;
6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems because the project is categorically exempt pursuant to Section 15315 of the California Environmental Quality Act (CEQA);
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because the roadways, and easements were reviewed and approved by the City of Milpitas Engineering Department.

SPECIAL CONDITIONS

1. This approval is for a Minor Tentative Parcel Map No. MI2004-4 to create two separate parcels located on 1100 Cadillac Court and 380 Fairview Way (APN: 022-38-016) as depicted on the Tentative Parcel Map dated January 26, 2005, and as amended by the conditions of approval. (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state and local regulations. (P)
3. Prior to Final Map recordation, the applicant shall re-stripe the parking lot **to provide a total** of 326 parking spaces prior to recordation (196 full-size + 130 compact spaces = 326 total parking spaces). Prior to re-striping, the applicant shall submit a Parking Re-striping plan for Planning Division review and approval (P).
4. Prior to Final Map recordation, the applicant shall be required to replace the three trees unauthorized for removal and that the ratio of trees replaced shall be determined by the Public Works Department.
5. If, at the time of recordation of Final Map, there is a project job account past due balance to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
6. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)

7. Prior to parcel map approval, the developer shall obtain design approval and bond for all necessary public improvements along Fairview Way, Cadillac Court and California Circle including but not limited to installation of ADA approved ramps and removing and replacing damaged curb, gutter, sidewalk, and pavement. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. (E)
8. Prior to parcel map approval, the developer shall record a reciprocal maintenance agreement(s) or other document(s) such as conditions, covenants and restrictions concurrent with the recordation of the parcel map. The agreements or documents shall provide for the use of lands and maintenance of all private utility facilities including but not limited to, storm drainage, spills clean up, sewer, water, access, parking, fire services, irrigation (recycled water), solid waste services, landscaping, walls and other common area facilities. The reciprocal maintenance agreement or documents shall state the responsible party for the maintenance of the common facilities and shall have assessment power. The agreements and documents shall be submitted for review and approval by the City. (E)
9. The tentative map and the subsequent parcel map shall designate all common lots and easements as lettered lots or lettered easements. (E)
10. Show on the tentative map how the site will drain. Drainage facilities outletting sump conditions shall be designed to convey the flows and protect all buildings. (E)
11. The parcel map shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. Prior to recordation of any parcel map, the developer shall submit to the City a digital format of the final map (AutoCAD format). (E)
12. The developer shall dedicate on the parcel map necessary sidewalk easements, as shown on the Engineering exhibit "T" dated 9/28/2006. (E)
13. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrub are permitted within City utility easements, where the easement is located within landscape areas. (E)
14. Prior to occupancy permit issuance, if the existing enclosures are not sufficient or adequate to serve the proposed subdivision, applicant/property owner association shall construct a new trash enclosure or expand the existing enclosure to accommodate the required number of bins needed to serve the proposed subdivision. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. City review/approval is required prior to construction of the enclosure. (E)
15. Applicant/property owners association shall be responsible for the trash collection and recycling services account. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with Allied Waste Services/BFI for commercial services:
 - A. Maintain an adequate level of service for trash collection.

- B. Maintain an adequate level of recycling collection. After the applicant has started its business, the applicant shall contact Allied Waste Services/BFI commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)
16. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
 17. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
 18. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies or private. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
 19. Prior to parcel map recordation, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. (E)
 20. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
 21. Make changes as noted on Engineering Services Exhibit "T", dated 9/28/2006, and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied. (E)
 22. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in A Special Flood Hazard Area, Zone AH. The zone designation is given for information only. (E)
 23. The site is located in Local Improvement District #19. (E)
- (P) Planning Division
(E) Engineering Division

A SUBDIVISION FOR CONDOMINIUM PURPOSES

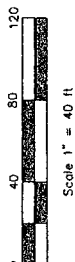
ABBREVIATIONS

BV	BLOWOFF VALVE
BW	BANK
CL	CENTERLINE
CONC.	CONCRETE
DR	DRAIN
EV	ELECTRIC VALVE
FVAE	FIRE VEHICLE ACCESS EASEMENT
FW	FIRE WATER
HC	HANDICAP CURB
HC	HANDICAP CURB
L.M.E.	LANDSCAPE MAINTENANCE EASEMENT
JP	JOINT TRENCH
MP	MANHOLE
NP	NO PARKING
P.S.U.E.	PUBLIC SERVICE AND UTILITY EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SLB	STREET LIGHT BOX
SSH	SANITARY SEWER
TB	TELEPHONE BOX
TE	TELEPHONE ENCLOSURE
WB	WATER BOX
WV	WATER VALVE

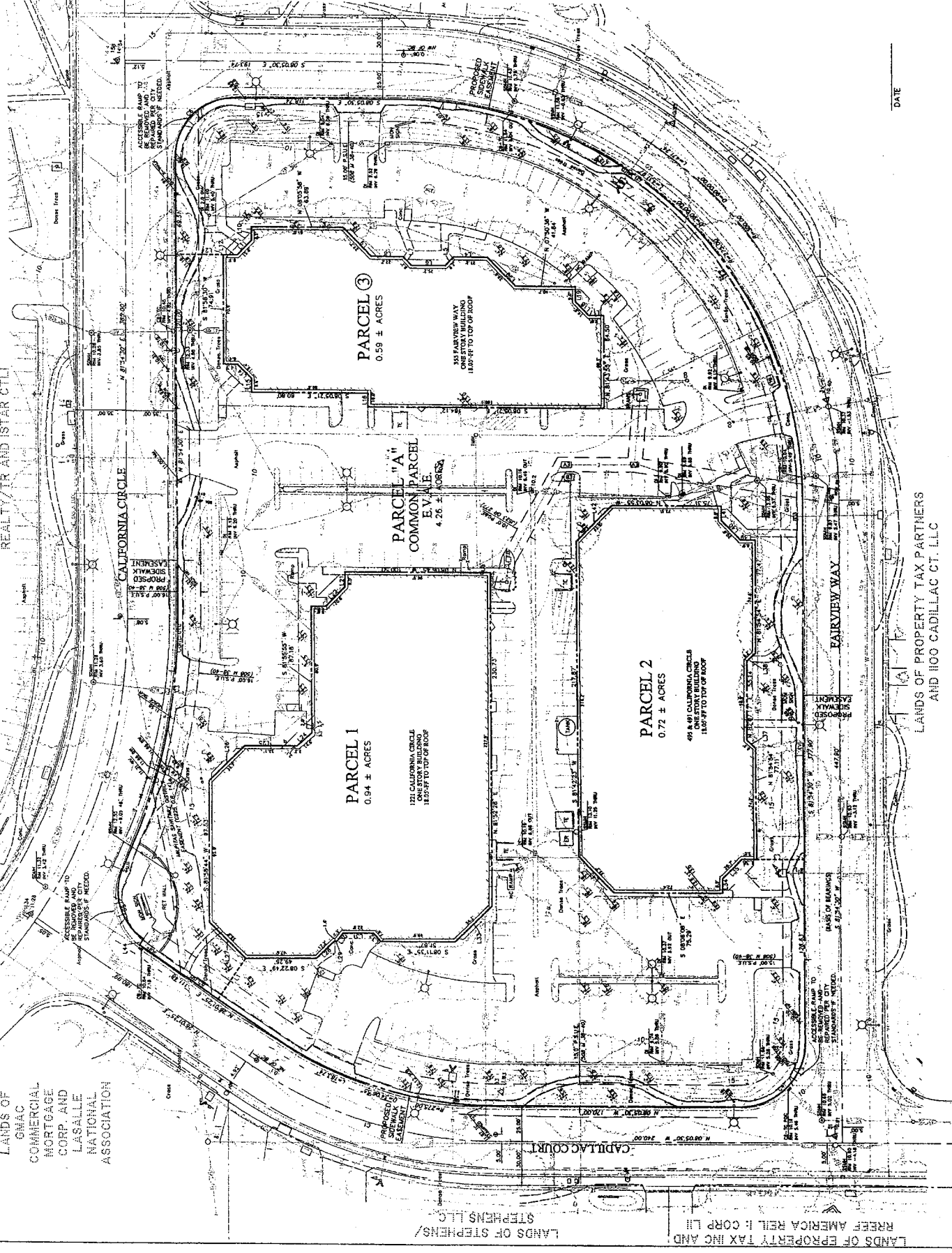
LINE TABLE

LINE	BEARING	DISTANCE
L1	N 63°58'35" W	33.87'
L2	N 08°05'30" W	32.89'
L3	S 08°05'30" E	33.03'
L4	N 08°01'17" W	23.54'
L5	N 53°03'36" W	35.41'
L6	N 39°01'02" E	8.20'
L7	N 39°01'02" E	8.20'
L8	N 08°01'17" W	22.23'
L9	N 37°37'36" E	27.72'
L10	N 53°10'33" W	9.63'
L11	N 08°01'17" W	13.95'
L12	N 08°01'17" W	13.95'
L13	N 08°01'17" W	13.95'
L14	N 08°01'17" W	13.95'
L15	N 08°01'17" W	13.95'
L16	N 08°01'17" W	13.95'
L17	N 08°01'17" W	13.95'
L18	N 08°01'17" W	13.95'
L19	N 08°01'17" W	13.95'
L20	N 08°01'17" W	13.95'
L21	N 08°01'17" W	13.95'
L22	N 08°01'17" W	13.95'

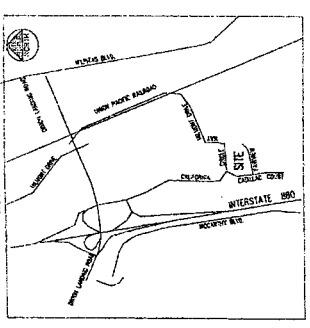
CURVE	RADIUS	DELTA	LENGTH
C1	300.00'	34°05'55"	178.63'
C2	374.00'	34°06'56"	222.69'
C3	409.00'	25°08'46"	178.50'
C4	45.00'	90°00'00"	52.69'
C5	40.00'	90°00'00"	52.61'



LANDS OF TRINET CORPORATE
REALTY, TR AND STAR CTI



VICINITY MAP



NOTES

- OWNER: STONEWOOD DIXON LLC, 3638 BIRCH STREET, SUITE 180, NEWPORT BEACH, CA 92660, PHONE (949) 250-9100.
- SUBDIVIDER: STONEWOOD PROPERTIES, 3638 BIRCH STREET, SUITE 180, NEWPORT BEACH, CA 92660, PHONE (949) 250-9100.
- ENGINEER: M. BARRY SCHMITT, CIVIL ENGINEER & SURVEYOR, 3350 SCOTT BOULEVARD, BUILDING 22, SANTA CLARA, CA 95054 (408) 727-5641.
- EXISTING USE: OFFICE.
- PROPOSED USE: OFFICE.
- GENERAL PLAN: INDUSTRIAL PARK.
- APPLICATION: MP-2008-1.
- EXISTING ZONING: MP-5 INDUSTRIAL PARK.
- A.P.N. 022-38-008.
- ALL DISTANCES ARE APPROXIMATE.
- CONTOUR LINES PREPARED BY KIER & WRIGHT.
- PROPOSED NUMBER OF LOTS: 4.
- PROPOSED NUMBER OF UNITS: 13.
- TOTAL AREA: 6.5 ± ACRES.
- MINIMUM LOT SIZE: 0.39 ± ACRES.
- WATER CITY OF MALIBU.
- SEWER CITY OF MALIBU.
- GAS & ELECTRIC: PACE.
- TELEPHONE: PACE.
- CABLE TV: COMCAST.
- ANY PROPOSED WATER, SANITARY SEWER AND STORM DRAIN FACILITIES WILL BE CONSTRUCTED AS PER CITY OF MALIBU STANDARDS.
- DATUM: CITY OF MALIBU DATUM.
- EXISTING WELLS ON SITE: NONE.
- EASEMENTS FOR NECESSARY RECIPROCAL ACCESS AND PARKING AND PRIVATE UTILITIES WILL BE CREATED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED CONCURRENTLY WITH THE PARCEL MAP.
- DEDICATE PARCEL "A" TO THE CITY OF MALIBU FOR EMERGENCY VEHICLE ACCESS EASEMENT PURPOSES.

LEGEND

- DISTINCTIVE BOUNDARY
- PARCEL LINE
- ADJACENT PROPERTY LINE
- CENTERLINE
- EASEMENT
- FIND STANDARD CITY MONUMENT
- ELECTROLYTER
- FIRE HYDRANT
- STORM DRAIN MANHOLE
- MANHOLE
- UTILITY POLE
- VALVE
- CATCH BASIN
- WATER METER
- FIRE DEPARTMENT CONNECTION
- BACK FLOW PREVENTER
- POST INDICATOR VALVE
- SIGN
- TREE W/ SIZE AND ELEVATION
- SPOT ELEVATION
- CONTOUR
- INDEX CONTOUR
- CURB & GUTTER
- CONCRETE
- FENCE
- RETAINING WALL
- ROOF OVERHANG
- SINGLE TREE
- TREES AND BRUSH
- SANITARY SEWER
- STORM DRAIN
- WATER
- GAS
- UNDERGROUND ELECTRIC
- TELEPHONE
- JOINT TRENCH

TENTATIVE PARCEL MAP
A SUBDIVISION FOR CONDOMINIUM PURPOSES
CALIFORNIA CIRCLE / FAIRVIEW WAY
MILPITAS
CIVIL ENGINEERS & SURVEYORS, INC.
3350 SCOTT BOULEVARD, BUILDING 22 (408) 727-5641
Santa Clara, California 95054 FAX (408) 727-5641

DATE	JUNE, 2008
SCALE	1" = 40'
DESIGNER	RMA
DRAWER	RMA
JOB	A08109
SHEET	1
OF	1 SHEETS



PREPARED BY OR UNDER THE SUPERVISION OF
JAMES R. VOLL, L.S. 61555
LICENSE EXPIRES: 06-30-06

DATE